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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,418	05/09/2001	Tetsuo Takakura	4554-001	1896

22429 7590 08/02/2004

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EXAMINER

HU, JINSONG

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,418

Applicant(s)

TAKAKURA ET AL.

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/3/03; 1/23/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1- 23 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-8, 11-13, 15-17, 19-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (US 5,793,365) in view of Naidoo (US 6,629,136).

4. As per claims 1 and 2, Tang teaches the invention substantially as claimed including a position-linked chat system for carrying out a chat using a plurality of terminals connected to a server device through a network, wherein said server device includes:

a chat room control unit which generates a plurality of chat rooms divided based on a geographical standard related to the current position of each user [col. 10, lines 57-59]; and

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a sound control unit which mixes voices of users transmitted via terminals of respective users who participate in the same chat room [col. 12, lines 63-66].

5. Tang does not specifically teach a chat room select unit which selects a chat room in which a user at a terminal is to participate, based on information relating to the current position of the terminal posted from each terminal.

6. However, Naidoo on the other hand teaches a chat room select unit which selects a chat room in which a user at a terminal is to participate, based on information relating to the current position of the terminal posted from each terminal [col. 9, lines 2-9]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Tang and Naidoo because utilizing Naidoo's chat room select unit in Tang's system would improve the functionality of the system by seamlessly providing information corresponding to user's local geographic location without user's extra effort [Naidoo, col. 2, lines 22-29]. One of ordinary skill in the art would have been motivated to modify Tang's system with Naidoo's chat room select unit to improve the functionality of the system.

7. As per claim 3, Tang teaches the chat room control unit generates a plurality of chat rooms that are divided based on a geographical standard, and that are further divided based on a standard [col. 10, line 51-63].

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8. As per claim 4, Tang and Naidoo teach the invention substantially as claimed in claim 1. However, both references do not teach generating, combining and dividing chat rooms based on the number of the users participating in the chat room. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to chat room adjusting step in combination system of Tang and Naidoo because doing would increase the efficiency of the system by reducing unnecessary need chat rooms on the network. One of ordinary skill in the art would have been motivated to modify combination system of Tang and Naidoo to improve the performance of the system.

9. As per claims 5 and 7-8, Naidoo teaches the chat room select unit selects a chat room corresponding to the current position of each terminal posted from each terminal, as a chat room in which the user is to participate [col. 9, lines 2-9].

10. As per claim 11, Tang teaches when a plurality of chat rooms have been selected in which the terminal user is to participate, said sound control unit mixes the voice of this user transmitted via the user terminal with voices transmitted via terminals of users participating in the plurality of chat rooms [col. 12, lines 63-65].

11. As per claims 12-13 and 15, since they are system claims of claims 1, 5 and 7, they are rejected for the same basis as claims 1, 5 and 7 above.

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12. As per claims 16-17 and 19, since they are apparatus claims of claims 1, 5 and 7, they are rejected for the same basis as claims 1, 5 and 7 above.

13. As per claims 20-21 and 23, since they are program claims of claims 1, 5 and 7, they are rejected for the same basis as claims 1, 5 and 7 above.

Allowable Subject Matter

14. Claims 6, 9-10, 14, 18 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Houri (US 6,665,715) discloses a on-line user location tracking system; and
Colyer et al. (US 6,151,621) discloses a personal conference system.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306 – 5932.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee, can be reached on (703) 305-8498. The fax number for Group 2100 is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist at (703) 305-3900.

Jinsong Hu

July 22, 2004



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100